In the High Court for the States of Punjab and Haryana, at Chandigarh.

CM.No. 329-C 2007 and
RSA No. 90 of 2007 (O&M)
Decided on January 18,2007.

Pritam Singh ---- Appellant

vs.

Mahipal Singh and another ---- Respondents.

Present: Mr. Sanjay Verma, Advocate, for the appellant.

Pritam Pal,J: (Oral)

C.M.No. 329-C of 2007

Delay of 212 days in re-filing this appeal is condoned for the reasons mentioned in the application. C.M. stands disposed of.

R.S.A.No. 90 of 2007

This second appeal by plaintiff-appellant, is directed against judgments and decrees dated July 29,2005 passed by Civil Judge (Junior Division) and January 25,2006, passed by Additional District Judge, Ambala, respectively, whereby a suit for permanent injunction filed by the plaintiff, restraining the defendants/respondents from interfering in any manner whatsoever in the suit property marked A.B.C.D, situated within *abadi deh* of village Sohana, Tehsil Barara, District Ambala, was dismissed.

Both the Courts below have come to the conclusion that the suit property is a vacant land,situated within *abadi deh* of the village and the same is being used as a passage. Plaintiff/appellant has failed to prove his ownership before the Courts below. Not only that, it is

also apparent from the file that ejectment proceedings were initiated against the plaintiff/appellant by the Gram Panchayat and it is an admitted fact that he has already been ordered to be ejected from the suit land under Section 7 (2) of the Punjab Village Common Lands Regulations Act, 1961. In that regard, a copy of order Ex. D-2 passed by the Collector, has also been referred to in the impugned judgment. Learned counsel for the appellant is also unable to make out any substantial question of law, which could be framed in this appeal.

Hence, this Regular Second Appeal, is hereby dismissed in *limine*.

January 18,2007 (Pritam Pal)
RR Judge